

Roger W. Patton (SBN 51906)
PATTON ♦ WOLAN ♦ CARLISE LLP
1999 Harrison Street, Suite 1350
Oakland, CA 94612
Telephone: (510) 987-7500
Facsimile: (510) 987-7575

Attorney for Defendant
CORNELIO MATA ESPINOZA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CORNELIO MATA ESPINOZA

Defendant.

Case No.: CR-09-0103 CRB

**DEFENDANT'S SENTENCING
MEMORANDUM**

Court: Hon. Charles R. Breyer

Date: June 30, 2010

Time: 2:15 P.M.

INTRODUCTION

CORNELIO MATA ESPINOZA stands before this court to be sentenced on his conviction for conspiracy to possess with intent to distribute a controlled substance in violation of 21 U.S.C. § 846 and 841 (a) (i), with amounts specified in section 841 (b)(1) (A) (i) and 841(b)(1)(A)(viii). The plea agreement, entered under rule 11 (c) (1) (C) of the Federal Rules of Criminal Procedure provides that a reasonable and appropriate disposition of this case is a sentence between 192 and 262 months. After the court considers all the circumstances of this case pursuant to Title 18 U.S.C. § 3553, Mr. Mata Espinoza respectfully requests that the court sentence him to 192 months (16 years) imprisonment, a sixteen year sentence is more than sufficient to fulfill the goals of

1 sentencing. The probation office has recommended a sentence of 262 months which is the
2 maximum under the plea agreement and Mr. Mata Espinoza anticipates that the government will
3 seek the same. The court should sentence Mr. Mata Espinoza to sixteen years for the following
4 reasons.

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6 First, there are no allegations of guns or violence in this case or in any of Mr. Mata Espinoza
7 priors. Second, while he is categorized as a career offender he has never been sentenced to prison.
8 Mr. Mata Espinoza prior convictions all involved jail terms and probation. A sixteen year sentence
9 is a long and harsh sentence which is sufficient to achieve the statutory purposes of sentencing
10 pursuant to U.S.C. § 3553 (a). A sixteen year sentence will result in prison incarceration until
11 approximately 2024 at which time he will be deported to Mexico. Mr. Mata Espinoza will be 45
12 years old which will make life in Mexico difficult but survivable. If he is sentenced to 262 months
13 (21.8 years) he will be in his 50's and earning a living will be extremely difficult as his employment
14 prospects will likely be only hard physical labor. Mr. Mata Espinoza hopes to obtain a GED while
15 in prison, improve his English and learn a vocational skill so that when he does finish his sentence
16 and is deported he will have some chance at gainful employment.

17 **FACTUAL BACKGROUND**

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19 CORNELIO MATA ESPINOZA was born in the village of Los Potros, Michoacan, Mexico
20 on January 19, 1979. He was one of five children. Mr. Mata Espinoza was required to work his
21 father's fields from a very early age and describes his father as an alcoholic who beat his mother.
22 Mr. Mata Espinoza left school after the 9th grade and made his way to the United States eventually
23 settling in Northern California. He has never married and has no children.

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25 Mr. Mata Espinoza began drinking alcohol at an early age (14) and later in America became
26 addicted to cocaine and crystal methamphetamine. He wants to complete drug rehabilitation while
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1 in prison and live clean and sober for the rest of his life. He believes this will prevent him from
2 repeating his past mistakes. Mr. Mata Espinoza requests that the Court recommend him to the
3 Bureau of Prisons Residential Drug Abuse and Treatment Program (RDAP). Because of his
4 immigration status he will receive no reduction in his sentence for participating in the program. Mr.
5 Mata Espinoza recognizes he faces a substantial prison sentence and wants to take advantage of any
6 help available to improve him self so he can survive once he is released from prison.
7

8 **ARGUMENT**

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10 Pursuant to section 3553 (a) the Court should impose the 192 months sentence rather than the
11 262 month sentence. First the Court should place great value on Mr. Mata Espinoza's full
12 acceptance of responsibility and his decisions to plead guilty in this case. Second, a sentence of 262
13 months should be reserved for the most serious cases which involve guns or violence. Third, a
14 sentence of nearly twenty two years is disproportional to other cases of great severity and to Mr.
15 Mata Espinoza's prior convictions.
16

17 Finally, a sentence of sixteen years is sufficient and more then adequate to punish him for his
18 offense conduct and deter him from re-offending. He intends to improve his education and skills
19 and live out his life in Mexico. Mr. Cornelio Mata Espinoza respectfully asks the Court to sentence
20 him to sixteen years (192 months) in prison.
21

22 **CONCLUSION**

23 For the foregoing reasons, Mr. Mata Espinoza respectfully requests that the Court sentence
24 him to 192 months in custody of the Bureau of Prisons. The sentence is sufficient, but not greater
25 than necessary to meet the Court's sentencing objectives.
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1 Dated: June 22, 2010

Respectfully submitted,

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4 ROGER W. PATTON
5 Attorney for Defendant,
6 CORNELIO MATA ESPINOZA
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